IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.506 OF 2003

The State of Maharashtra .. Appellant.
Vs.
Ramesh Lalchand
Agarwal & Ors. .. Respondent.

Mr.R.Y.Mirza A.P.P. for the appellant.
Mr.Sagar Kesar i/b K.H.Parekh for respondent nos.3 to 5.

CORAM : D.B.BHOSALE, J.

DATED : 17TH JULY, 2006

P.C.:

. Heard learned A.P.P. for the State and learned counsel for respondent nos.3 to 5.

2. This appeal is directed against the judgment and order dated 27.9.2002 by which the learned Magistrate acquitted all the accused of the offence punishable under section 7(i) read with section 2(ia)(a) and section 7(v) read with rule 62 and 32 (e)(f) of PFA Rules, 1955 punishable under section 16(1)(a)(ii) and section 17 of the Prevention of Food Adulteration Act, 1954. I perused the judgment. It appears that the learned Magistrate on appreciation of the entire evidence and in particular testimony of P.W.1 and panchnama Exhibit-39 has observed that the

packets of Gukta had not been "sealed" as required under Rule 22-A of the Prevention of Food Adulteration Rules, 1955. The observations in paragraphs 7 and 8 show that form VI was silent about sealing of the packets as required under Rule 22-A. Even the panchnama is silent about the word "sealed packets". The proper care was not taken, as observed in paragraph 9, while preparing three sample parts of Gutkha packets by P.W. 1. In paragraph 11, the learned Judge after considering the matrial on record has specifically observed that it cannot be stated that the sample packets did not bear the batch number and date of manufacturing. Considering the reasons recorded by the trial Court on appreciation of the material on record, the impugned order cannot be said to be unreasonable and perverse. The view taken on the basis of material on record is reasonably possible view. I find no reason to interfere with the order of acquittal. In the circumstances this appeal is dismissed.

(D.B.Bhosale, J.)